



Town of Loxahatchee Groves

Regular Town Council Meeting

Tuesday, January 5, 2016 at 7:00 p.m.

MINUTES

1. OPENING

- a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:00 p.m. Present were Mayor David Browning, Vice Mayor Ronald Jarriel and Council Members Tom Goltzené, Ryan Liang and Jim Rockett. Also present was Town Manager Bill Underwood, Town Attorney Michael D. Cirullo, Jr., Town and Town Clerk Virginia Walton.

- b. Pledge of Allegiance & Invocation - Mayor Browning
- c. Approval of Agenda

Motion: A motion to approve the agenda and addendum #1 was made by Council Member Goltzené and seconded by Council Member Liang. Motion passed 5 – 0.

2. PUBLIC COMMENTS

Virginia Standish, wished Council good luck in seeking funding for the Town when they are in Tallahassee; asked that there be more monitoring and updates on the slaughter houses since the news media reported three houses in Loxahatchee Groves, but she knew of at least three more; stated the traffic needed to be slowed down on Okeechobee Boulevard, and wanted to know when a referendum was needed for charter changes. Vice Mayor Jarriel responded that the Town was not hiding or ignoring the problem; however, the County and PBSO requested that it be left to the professionals during the investigation process. Council Member Rockett added that if other houses were there, Ms. Standish should provide that information to investigators.

Ken Johnson stated that the road signs on the Right-of-Way for Collecting Canal Road were existing but not enforceable according to PBSO Lt. Combs. They were for courtesy notice only. The Town needed an ordinance for signs so that the police would be able to enforce.

Vice Mayor Jarriel announced that Yesteryear Village at the Fairgrounds was having an event on Tuesday, January 26, 2016, at 6:00 PM, for anyone who attended the old Loxahatchee Groves School House that was formerly on Tangerine Drive, from 1935 to 1965. There would be a photo opportunity and light refreshments. If you are interested, contact Sharon Jarriel.

3. CONSENT AGENDA

(Public Comment will be permitted on consent agenda items prior to Council vote)

- a. Minutes: December 1, 2015

- b. Invoice for Goren, Cherof, Doody & Ezrol, P.A.
- c. Confirmation of Contribution Agreement with Big Dog Ranch

Motion: A motion to approve the consent agenda as presented was made by Vice Mayor Jarriel and seconded by Council Member Liang. Motion passed 5 – 0.

4. PRESENTATIONS

- a. ARM Presentation

Council was given an overview of what ARM was and how the non-profit organization investigated complaints and worked with local authorities to assist in prosecution and end of severe animal abuse. Council was also given an update on the three current violation cases in Loxahatchee Groves. Council thanked the ARM representatives. Mayor Browning read a letter of thanks from resident Bill Louda, who was unable to attend tonight, into the record and presented the ARM representative with his check for \$500. Vice Mayor Jarriel added that the Town should consider a donation on behalf of Loxahatchee Groves. Brochures on ARM would be kept at Town Hall for any interested residents.

- b. (addendum#1) GelTech Solutions Dust Control Presentation (Dan Eagle, Operations Manager)

A flash drive of the presentation had been provided to each council member prior to the meeting. Mr. Eagle handed out a presentation booklet and gave an overview of their product, application procedures and basic pricing. Council requested Mr. Eagle supply the MSDS sheets. Costs was the initial installation would be approximately 6 pails @ \$600/mile, then only 1 pail per watering @ \$100/mile. The inductor with cam lock fittings for the water truck was \$799. Mr. Eagle also stated that they would be doing a presentation for the Water Control District at one of their future meetings.

Vice Mayor Jarriel stated that he had given one of the booklets to Bill Louda and he could not find any problem with the product; however suggested they do a perk test at the end of treatment.

5. COMMITTEE REPORTS – None Scheduled

6. RESOLUTIONS

- a. RESOLUTION NO. 2016-01 (Appointment to Board)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING BRUCE CUNINGHAM TO SERVE THE REMAINING TERM OF LUNG CHIU AS A VOTING MEMBER OF THE FINANCE ADVISORY AND AUDIT COMMITTEE; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Manager Underwood advised the Council that Mr. Cunningham was a CPA and worked for the City of West Palm Beach. Vice Mayor Jarriel thanked Doreen Baxter for having brought Mr. Cunningham's interest in serving on this Board to their attention.

Motion: A motion to appoint Bruce Cunningham to replace Mr. Chiu as a member of the Finance Advisory and Audit Committee was made by Vice Mayor Jarriel and seconded by Council Member Liang. Motion passed 5 – 0.

b. RESOLUTION NO. 2016-02 (Legislative Policy)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING AND APPROVING THE TOWN'S LEGISLATIVE AGENDA FOR THE 2016 FLORIDA LEGISLATIVE SESSION; PROVIDING FOR AN EFFECTIVE DATE.

Council reviewed and discussed Exhibit "A" Priority List and made some amendments to the order of priority for the Town and for clarification. Council Member Rockett stated they kept trying to fight individual developers; but the Town needed to re-focus on what to do to take over control of Okeechobee Boulevard. Other cities, such as Tequesta, Jupiter, Wellington and West Palm Beach have done it and we need to find out how.

Motion: a motion to approve the resolution, subject to the amended Exhibit "A", was made by Council Member Goltzené and seconded by Council Member Liang. Motion passed 5 – 0.

7. ORDINANCES – None Scheduled

8. MANAGER'S REPORT – *Town Manager Underwood*

a. Agenda Item Report – Updates on various activities and issues concerning the Town

On 6th Court North, still waiting for information from the District; last week we had two complaints about manure dumping; Town had received one compliment and one complaint on the road work being done. One resident said the road looked very good, and one resident said the noise from the equipment scared their horse; regarding Mr. Cherney's property, it as stated that there were 9 trailers on site; regarding "B" Road, Manager Underwood stated there would be an update report on the 1/19/2016 agenda; regarding Folsom Road traffic calming, Town has not heard from the County Commissioner yet. Also Bergeron has signed and submitted the contract and it was hoped they would start trimming soon. Mary McNichols, Bergeron representative, stated they were firmly behind the agreement and were ready to start any time the Town wanted.

b. Staff Report from Okeechobee Boulevard Council Workshop on December 5, 2015

Council wanted to know where this project goes now that the residents have voiced their comments. Manager Underwood there were two options for direction to Staff: 1) bring back the initial matrix to the next meeting for direction or 2) Management would work with Planner and amend the ordinance, looking for ways to control regulations and speed limits. The ordinance

would go back to the Planning & Zoning Board and then back to Council. Council consensus was for option #2.

Todd McClendon stated there should be two main things to consider: 1) if Okeechobee Blvd. was kept to two lanes, then the Town should not approve a commercial zoning along that corridor; and 2) there was State Law that said a Town has traffic control on County Roads within their boundaries.

Council further discussed options for control of Okeechobee Boulevard and directed Attorney Cirullo to research what the other cities previously mentioned had done and what criteria was used to accomplish their goals, and bring back a report at the next council meeting. In the meantime, reducing the speed limit on Okeechobee Boulevard should be pursued with the County.

Motion: Vice Mayor Jarriel made a motion for the Attorney to draft a resolution to Palm Beach County requested the reduction of the speed limit on Okeechobee Boulevard be reduced to either 35 or 40 MPH within Town boundaries. Motion was seconded by Council Member Liang. More discussion ensued and final vote was inadvertently not taken.

c. Palm Beach County Fire/Rescue Monthly Report for November 2015

d. Palm Beach County Sheriff's Office Monthly Report for November 2015

Council consensus was for Manager Underwood to meet with Lt. Combs on the recent robberies at nurseries and move forward with a possible Task Force for the illegal manure dumping. Regarding Crime Watch, 30 people willing to commit to 3 hours per week was needed.

Mayor Browning adjourned the meeting for a short break at 8:52 PM and re-convened the meeting at 9:01 PM.

9. OLD BUSINESS

a. Town Management Contract Revisions

Manager Underwood advised the Council that this revised contract would extend the Management term from October 1, 2015 through September 30, 2018; had a 2% increase, as the previous contract did not include a CPI, and revised the notice for cancellation to 4 months for both the Town and the Management Company, since the previous agreement had only 2 months for the Town to terminate Management and that would be an unfair amount of time for personnel to find other employment. During the current tenure, Management had increased revenues and decreased expenses by approximately \$110,000; had found and pursued more illicit properties paying no taxes, as PAPA had shown them as vacant; was moving forward with the installation of new finance software, and was now handling approximately 5 permits per day/every day.

Council discussed need for public input and whether an RFP was needed, if not required. Also, the Town needed to have Town Staff consistent, with longevity rather than changing every year.

Council consensus was to review the documents provided and bring back at next meeting with specific, rather than just general, item comments.

Todd McClendon and Thais Hagen Gonzalez both stated that the Council had already heard loud and clear from the residents that they were happy with Underwood Management. There may be some issues with the contract that need to be fixed, but Council needed to stop bashing them and move forward.

John Ryan stated in the agreement the 95 hours was only for Staff, over and above the Manager. There had been loud comments from people paying attention but not from residents that stayed at home. Mr. Ryan felt an RFP was needed with a new contract.

Ken Johnson stated he had not seen the contract and the entire public should have access to the contract terms, which should be one that was fair to the Manager and Staff.

Motion: A motion to continue this item decision to the next Council Meeting was made by Vice Mayor Jarriel and seconded by Council Member Jim Rockett. Motion passed 5 – 0.

b. South Florida Fair – Palm Beach County Municipalities Free Display Space
(continued from 12/1/2015 agenda)

Vice Mayor Jarriel stated he had attended the presentation meeting and felt it would be good for Loxahatchee Groves to have a table during the Fair. Since time was short before the beginning of the Fair and several of the Council, along with the Manager, would be in Tallahassee for Palm Beach County Legislative Days, it was consensus that if volunteers could be found to set up something, then a display table would be attempted.

Motion: A motion to leave this item to the Manager's discretion if volunteers could be found was made by Vice Mayor Jarriel and seconded by Council Member Goltzené. Motion passed 5 – 0.

10. NEW BUSINESS

a. Keshavarz Associates Collecting Canal Improvements Proposal This item was continued to the February 2, 2016 agenda

Capital Improvements Cost Sharing Policy – Roads

Council discussed issue of spending money on roads that the Town did not own, and this issue had been brought up numerous times in the past but never followed through on a policy for roads and also easement issues. The Town needed a set criteria and a clear reason for improving a road. This needed to be addressed prior to doing anything to the roads. Impact fees was brought up rather than relying on possible developers for road improvements. Manager Underwood added that the B Road improvement would be going out to bid shortly and it was the hope that the new policy could be made part of the bid documents.

~~After discussion Council agreed a consistent policy was needed and directed Staff to bring back a policy in February.~~

Motion: A motion to table the road policy and the Keshararz & Associates proposal to the second meeting in February was made by Council Member Goltzené and seconded by Council Member Liang. Motion passed 5 – 0.

Thais Hagen Gonzalez stated that this is a business and developers were looking to do business here; but you have to negotiate during the planning stage, not after the fact.

Ken Johnson stated Collecting Canal was a problem. He had complained about the width of the road being too narrow but nothing happened. Cars and equipment are parked along the narrow areas causing access problems. The District should maintain what is OGEMed.

Todd McClendon stated he would reference Council Member Goltzené's Item #11 out of order and suggested the Town asked for all the roads rather than doing it piecemeal.

With regard to Collecting Canal Road, it was not efficient or economical to take pieces of the road for improvements and then keep going back to the District each time another section was ready. The District could transfer a road prior to paving. Although not an official item on the agenda tonight, Council consensus was to move forward with a motion.

Motion: A motion to have the Water District transfer ownership of Collecting Canal Road from "B" Road to where the OGEM is on the west side of "C" Road was made by Council Member Goltzené and seconded by Vice Mayor Jarriel, with a question. Vice Mayor Jarriel asked what would happen if the District wanted to give the Town all of Collecting Canal Road. Council Member Goltzené responded that would be fine and they would be happy to take all the way from Folsom Road to "A" Road. Motion passed 3 – 2, with Council Member Rockett and Mayor Browning dissenting.

b. Culverts Replacement Policy

Manager Underwood advised the Council that the Town had already done three culverts with no resident payment assessments and there were three more pending. Staff was asking for a consistent policy for dealing with Town owned road culverts, such as the Town repairs but property owner deeds the easement to the Town. After discussion Council agreed a consistent policy was needed.

Council Member Goltzené suggested that with two meetings per month, one meeting should just be housekeeping items and one meeting just for special projects such as roads and culvert policies, etc.

Motion: A motion was made by Vice Mayor Jarriel to have Staff bring back a formal policy for adoption at the second meeting in February and was seconded by Council Member Goltzené. Motion passed 5 – 0.

c. Report on Code Enforcement Bid Status

Manager Underwood advised the Council that there had been no bids submitted to the RFP advertised for code enforcement services and asked that council allow Staff to continue searching for either a code enforcement company or individual code officer. After discussion, Council consensus was they would prefer an individual code enforcement officer working for the Town.

Motion: A motion to have Staff continue searching for a code enforcement officer for the Town was made by Vice Mayor Jarriel and seconded by Council Member Goltzené. Motion passed 5 – 0.

11. COUNCIL REPORTS

a. Councilman Tom Goltzené

1. Discussion of LGWCD Billing for Trails (continued from 12/1/2015 agenda)

Discussion was cancelled since resolutions for transfer of roads superseded necessity.

2. Discussion of request for resolution to claim all LGWCD roads and maintenance easements within the Town boundaries. (continued from 12/1/2015 agenda)

Council Member Goltzené stated that portions of the District were not within the Town boundaries, such as Folsom Road east of the guardrails; therefore, why survey? The Town should not be paying for those. The Town needs to come up with a road policy, with assessments, take the roads and maintain them as a Town. It was time to accept more responsibility and let the District focus on what they are...a drainage district. The assessments from the District could be reduced to transfer those assessments costs to the Town.

Motion: A motion requesting a resolution to turn all roads over to the Town was made by Council Member Goltzené and seconded by Vice Mayor Jarriel. Motion carried 3 – 2 with Council Member Rockett and Mayor Browning dissenting.

3. Discussion of Canvassing Board code amendment – this item was continued to the January 19, 2016 agenda.

b. Vice Mayor Ron Jarriel (continued from 12/1/2015 agenda)

1. Discussion Relative site clearing (Clear Cut), and residential structures on to agriculture classified properties

2. Discussion Relative to site distance and drainage at intersection of E Road and Collecting Canal Road

Both items continued to the January 19, 2016 agenda.

12. CLOSING COMMENTS


a. Public


- b. Town Attorney
- c. Town Council Members

A motion to extend the meeting died for lack of second. A motion to adjourn the meeting was made by Council Member Goltzené and seconded by Vice Mayor Jarriel. Motion passed 5-0.

13. ADJOURNMENT

Next scheduled Town Council Meeting was announced for January 19, 2016. Hearing no further business, the meeting was adjourned at 10:34 p.m.


Virginia M. Walton, Town Clerk


David Browning, Mayor

These minutes were approved by the Town Council on Tuesday, JAN. 19, 2016.

